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11 *Attorneys for the Plaintiffs Walter Spurlock and Andre Guibert*

12  
13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
**(SAN FRANCISCO DIVISION)**

15 WALTER SPURLOCK and ANDRE  
16 GUIBERT,

*Plaintiffs,*

17 v.

18 CITY AND COUNTY OF SAN  
19 FRANCISCO, AIRPORT COMMISSION OF  
20 THE CITY AND COUNTY OF SAN  
21 FRANCISCO, DOE 1 in his individual  
22 capacity and official capacity as Aviation  
23 Security and Regulatory Compliance Officer  
at the San Francisco International Airport, and  
JEFF LITTLEFIELD in his individual  
capacity and official capacity as Chief  
Operating Officer at San Francisco  
International Airport,

24 *Defendants.*

Case No. 23-cv-04429

JOINT INITIAL CASE MANAGEMENT  
CONFERENCE STATEMENT

Date: November 30, 2023

Time: 10:00 a.m.

Location: Video Conference

Judge: Araceli Martínez-Olguín

1 Plaintiffs Walter Spurlock and Andre Guibert, and Defendants City and County of San  
2 Francisco, Airport Commission of the City and County of San Francisco (the “Airport”), and Jeff  
3 Littlefield (the “Parties”) hereby provide this Joint Initial Case Management Conference Statement  
4 in advance of the Court’s Initial Case Management Conference scheduled for November 30, 2023:

5 **1. Jurisdiction and Service**

6 The Court has jurisdiction over Plaintiffs’ claims pursuant to 28 U.S.C § 1331. There are no  
7 issues with respect to personal jurisdiction or venue. All Defendants have been served with the  
8 exception of Aviation Security and Regulatory Compliance Officer Doe 1. No summons has issued  
9 for the Doe 1 Defendant.

10 **2. Facts**

11 **Plaintiffs’ Statement:** Plaintiffs were Aircraft Maintenance Technicians (“AMTs”) for  
12 Alaska Airlines, Inc. (“Alaska Airlines”) and performed aircraft maintenance work at the San  
13 Francisco International Airport (“SFO”). Alaska Airlines AMTs stationed at SFO must maintain a  
14 Secured Identification Display Area (“SIDA”) badge in order to perform their job duties. SIDA  
15 badges permit authorized employees, contractors, and vendors to access safety-sensitive areas of  
16 the airport. Upon revocation of a SIDA badge, a badge holder’s name is placed on the Centralized  
17 Revocation Database (“CRD”) maintained by the Transportation Security Administration  
18 (“TSA”).

19 Plaintiffs allege that the Defendants have revoked their SIDA badges and placed them on  
20 the CRD. Plaintiffs allege that during the revocation proceedings, they did not receive all evidence  
21 against them, did not receive exculpatory evidence, and did not receive an opportunity to present  
22 evidence. Plaintiffs allege that they were not notified of their placement on the CRD and were not  
23 given an opportunity to challenge their placement. Plaintiffs allege that the procedures used in the  
24 revocation process and the subsequent CRD placement violate the Fourteenth Amendment of the

1 U.S. Constitution and 42 U.S.C. § 1983. Plaintiffs allege that the badge revocation and CRD  
2 placement violate the Eighth Amendment of the U.S. Constitution and 42 U.S.C. § 1983.

3 **Defendants' Statement:** Plaintiffs were AMTs employed by Alaska Airlines. On  
4 September 9, 2021, Plaintiffs violated security regulations while passing through a security  
5 checkpoint. When the Airport learned of the violation, it temporarily suspended Plaintiffs' SIDA  
6 badge privileges.

7 On September 14, 2021, the Airport permanently revoked Plaintiffs' SIDA badges, and  
8 provided Plaintiffs with written notice of its decision. As explained in the revocation letters, the  
9 Airport revoked Plaintiffs' badges based on its Rules and Regulations, and in keeping with notices  
10 to badge holders that security infractions could result in permanent revocation.

11 Plaintiffs appealed the revocation decision under the Airport's appeal process. On October  
12 23, 2021, Mr. Littlefield upheld the Airport's decision. After the appeal concluded, the Airport  
13 followed the Transportation Security Administration's rules on inputting Plaintiffs' names on the  
14 Centralized Revocation Database (CRD).

15 Defendants did not violate Plaintiffs' Due Process rights because individuals lack a  
16 protected liberty or property interest in airport security badges and employment requiring such  
17 badges, under binding case law. *Magassa v. Mayorkas*, 52 F.4th 1156, 1168 (9th Cir. 2022).  
18 Defendants did not violate Plaintiffs' Eighth Amendment rights because the Eighth Amendment's  
19 protections against cruel and unusual punishment apply only to criminal matters, *Ingraham v.*  
20 *Wright*, 430 U.S. 651, 667-68 (1977), and no facts alleged involve criminal proceedings.

### 21 **3. Legal Issues**

22 The principal disputed legal issues are:  
23  
24

- Whether the procedures employed in the course of the revocation proceedings violate Plaintiffs' due process rights under the Fourteenth Amendment of the U.S. Constitution and 42 U.S.C. § 1983;
- Whether the Defendants failed to provide a procedure by which to challenge CRD placement, and if so, whether that violates Plaintiffs' due process rights under the Fourteenth Amendment of the U.S. Constitution and 42 U.S.C. § 1983;
- Whether SIDA badge revocation and placement on the CRD constitute cruel and unusual punishment under the Eight Amendment of the United States Constitution and 42 U.S.C. § 1983;
- The appropriate scope of injunctive and declaratory relief to be ordered if Plaintiffs prevail.

#### **4. Motions**

##### **A. Prior Motions:**

Defendants intend to move to dismiss Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) on November 27, 2023, a few days before the date set for the case management conference in this matter. The noticed hearing date for the motion will be January 11, 2024. If the motion is granted, it may result in dismissal of the entire action.

##### **B. Anticipated Motions:**

Plaintiffs do not anticipate filing any motions at this time.

Defendants intend to file a motion for summary judgment in the event that their Rule 12(b)(6) motion does not entirely dispose of this action.

#### **5. Amendment of Pleadings**

1 Plaintiffs may amend their pleading in response to Defendants' Motion to Dismiss and may  
2 add claims and/or parties at that time.

3 **6. Evidence Preservation**

4 The Parties have reviewed the Court's ESI Guidelines and have met and conferred  
5 regarding reasonable and proportionate steps taken to preserve evidence relevant or reasonably  
6 likely to be relevant to the issues in this action. All Parties have undertaken to preserve potentially  
7 relevant evidence.

8 **7. Disclosures**

9 The Parties have agreed to an Initial Disclosure deadline of December 15, 2023.

10 **8. Discovery**

11 No discovery has taken place yet. The Parties have discussed the scope of anticipated  
12 discovery and do not, at this time, believe that any limitations or modifications to the discovery  
13 rules are necessary. Depending on the nature of the discovery sought, Defendants may ask the  
14 Court to impose limits appropriate to the nature of this case.

15 **9. Class Certification**

16 This case is not a class action.

17 **10. Related Cases**

18 The Parties are not aware of any related cases or proceedings.

19 **11. Relief**

20 **Plaintiffs' Statement:** Plaintiffs seek compensatory, injunctive, and declaratory relief,  
21 attorneys' fees and costs of suit. Andre Guibert seeks approximately \$75,000 in lost wages and  
22 benefits calculated as of the date of the Case Management Conference. Those damages reflect the  
23 difference between Mr. Guibert's earnings had he retained his SIDA Badge and his earnings since  
24 its revocation. The figure increases each day Mr. Guibert's SIDA badge remains revoked and his

1 name appears on the CRD. Mr. Guibert seeks approximately \$140,000 in consequential damages  
2 incurred as a result of lost wages and benefits over this period. Mr. Guibert seeks approximately  
3 \$500,000 in damages reflecting the emotional and reputational impact of the badge revocation and  
4 placement on the CRD. He asks the Court to declare that the procedures used in the course of the  
5 badge revocation and CRD placement violated the Fourteenth Amendment of the U.S. Constitution  
6 and 42 U.S.C. § 1983. Mr. Guibert requests that the Court order the reissuance of his SIDA badge  
7 and his removal from the CRD.

8 Walter Spurlock seeks approximately \$133,000 in lost wages and benefits calculated as of  
9 the date of the Case Management Conference. Those damages reflect the difference between Mr.  
10 Spurlock's earnings had he retained his SIDA Badge and his earnings since its revocation. The  
11 figure increases each day Mr. Spurlock's SIDA badge remains revoked and his name appears on  
12 the CRD. Mr. Spurlock seeks approximately \$70,000 in consequential damages incurred as a  
13 result of lost wages and benefits over this period. Mr. Spurlock seeks approximately \$500,000 in  
14 damages reflecting the emotional and reputational impact of the badge revocation and placement  
15 on the CRD. He asks the Court to declare that the procedures used in the course of the badge  
16 revocation and CRD placement violated the Fourteenth Amendment of the U.S. Constitution and  
17 42 U.S.C. § 1983. Mr. Spurlock requests that the Court order the reissuance of his SIDA badge  
18 and his removal from the CRD.

19 **Defendants' Statement:** Plaintiffs are not entitled to any relief.

20 **12. Settlement and ADR**

21 The Parties have complied with ADR Local Rule 3-5.

22 **Plaintiffs' Statement:** On October 16, 2023, Plaintiffs requested that Defendants consider  
23 participating in mediation prior to the November 30, 2023 Case Management Conference.  
24 Defendants declined to participate in early mediation.

1 Plaintiffs believes that settlement prospects are moderate due to the largely cost-neutral  
2 remedies sought. Plaintiffs seek Mediation or Settlement Conference within 90 days of the Court's  
3 ADR order.

4 **Defendants' Statement:** Defendants do not believe that an early settlement conference,  
5 as Plaintiffs suggest above, would be appropriate or productive. If successful, Defendants' Rule  
6 12(b)(6) motion to dismiss would dispose of Plaintiffs' causes of action. In the event that any  
7 causes of action remain after a ruling on Defendants' motion to dismiss, Defendants intend to  
8 move for summary judgment. While Defendants appreciate Plaintiffs' willingness to discuss  
9 settlement, until these pre-trial motions are ruled upon, it is highly unlikely the Parties can reach  
10 settlement.

11 **13. Consent to Magistrate Judge for All Purposes**

12 The Parties have not consented to a magistrate judge conducting all proceedings in this  
13 case.

14 **14. Other References**

15 The Parties do not believe that this case is suitable for reference to binding arbitration or a  
16 special master.

17 **15. Narrowing of Issues**

18 The three issues that are most consequential to the case are:

- 19 • Whether the procedures employed in the course of the revocation proceedings  
20 violate Plaintiffs' due process rights under the Fourteenth Amendment of the  
21 U.S. Constitution and 42 U.S.C. § 1983;
- 22 • Whether the Defendants failed to provide a procedure by which to challenge  
23 CRD placement, and if so, whether that violates Plaintiffs' due process rights

under the Fourteenth Amendment of the U.S. Constitution and 42 U.S.C. § 1983;

- Whether SIDA badge revocation and placement on the CRD constitute cruel and unusual punishment under the Eight Amendment of the United States Constitution and 42 U.S.C. § 1983;

The issues may be narrowed through a Motion to Dismiss or Motion for Summary Judgment.

#### 16. Expedited Trial Procedure

The Parties do not believe that this is the type of case that can be handled on an expedited basis with streamlined procedures.

#### 17. Scheduling

Plaintiffs propose the following pretrial and trial schedule:

Event	Date
Initial Disclosures Due by:	December 15, 2023
Identification of Experts	January 26, 2024
Discovery Cutoff, including expert discovery if necessary:	March 1, 2024
Summary Judgment Motion Due	April 1, 2024
Pre-Trial Conference	September 5, 2024
Trial	September 10, 2024

Defendants propose the following pretrial and trial schedule:

Event	Date
Initial Disclosures Due by:	December 15, 2023
Deadline for Amendment of Pleadings	April 20, 2024



Fact Discovery Cutoff	July 27, 2024
Expert Disclosure Deadline	August 10, 2024
Expert Rebuttal Report Deadline	August 31, 2024
Expert Discovery Cutoff	September 14, 2024
Dispositive Motions Heard by	October 19, 2024
ADR Cutoff	November 1, 2024
Pre-Trial Conference	November 5, 2024
Trial	December 2, 2024

### **18. Trial**

Plaintiffs seek a jury trial to determine liability and the extent of compensatory damages. They seek a subsequent judicial determination on the nature of the injunction and declaratory relief to be awarded. The Parties currently anticipate the trial to last one week.

### **19. Disclosure of Non-party Interested Entities**

Plaintiffs have filed the “Certification of Interested Entities or Persons” required by Civil Local Rule 3-15. The relevant contents of that certification are set forth below.

#### **Plaintiffs:**

Pursuant to Civil L.R. 3-15, the undersigned counsel of record for the Plaintiffs certifies that the following listed persons (i) have a financial interest in the subject matter in controversy or in a party to the proceed; or (ii) have a non-financial interest in that subject matter or in a party that could be substantially affected by the outcome of this proceeding:

- 1) Alaska Airlines, Inc.
- 2) Aircraft Mechanics Fraternal Association

#### **Defendants:**

1 Defendants have filed the “Certification of Interested Entities or Persons” required by Civil  
2 Local Rule 3-15. The relevant contents of that certification are set forth below.

3 “The City and County of San Francisco and the Airport Commission of the City and County  
4 of San Francisco are governmental entities, and are therefore not subject to Rule 3-15. (See C.L.  
5 Rule 3-15(a) (“Each non-governmental party must. . .”) Defendant Jeff Littlefield is subject to  
6 Rule 3-15 to the extent he is being sued in his personal capacity. Accordingly, pursuant to Civil  
7 L.R. 3-15, the undersigned certifies that as of this date, there is no conflict of interest (other than  
8 the named parties) to report.”

9 **20. Professional Conduct:**

10 All counsel of record for the Parties have reviewed the Guidelines for Professional conduct for  
11 the Northern District of California.

12 **21. Other Matters**

13 The Parties have no other matters to raise at this time.

14  
15 Dated November 20, 2023

16  
17 Respectfully submitted,

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19 BYRON MA  
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22 By: /s/ Samuel A. Seham

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